

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

NESTLÉ USA, INC.,)	
)	
Plaintiff,)	NO. 1:21-CV-283-LMB-IDD
)	
v.)	
)	
DANONE NORTH AMERICA, LLC,)	
)	
Defendant.)	

RESPONSE TO JULY 2, 2021 ORDER (Dkt. No. 20)

In response to the Court's July 2, 2021 Order (Dkt. No. 20), defendant Danone North America, LLC ("Danone") hereby states as follows:

1. Danone recognizes that, as a result of the filing of the Amended Complaint (Dkt. No. 18) by plaintiff Nestlé USA, Inc. on July 2, 2021, the original Complaint (Dkt. No. 1) that was the subject of Danone's Motion to Dismiss (Dkt. No. 13) is no longer the operative complaint.

2. In view of the above, Danone does not object to the denial of its Motion to Dismiss without prejudice as moot. Danone will file a new motion to dismiss or otherwise respond to the Amended Complaint in accordance with Rule 15(a)(3) of the Federal Rules.

Respectfully submitted, this the 9th day of July, 2021.

KING & SPALDING LLP

/s/ Taylor T. Lankford
Taylor T. Lankford
(VSB No. 80599)
1700 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006-4707
(202) 737-0500
tlankford@kslaw.com

Bruce W. Baber
(admitted *pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 572-4600
bbaber@kslaw.com

Kathleen E. McCarthy
(admitted *pro hac vice*)
KING & SPALDING LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 556-2200
kmccarthy@kslaw.com

Attorneys for Defendant
Danone North America, LLC

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Response To July 2, 2021 Order (Dkt. No. 20) to be e-filed and served electronically on all counsel of record on July 9, 2021.

/s/ Taylor T. Lankford
Taylor T. Lankford
(VSB No. 80599)
1700 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006-4707
(202) 737-0500
tlankford@kslaw.com